

S.B. NO. 2921

JAN 27 2016

A BILL FOR AN ACT

RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to conform Hawaii
2 income and estate and generation-skipping transfer tax laws to
3 the Internal Revenue Code.

4 SECTION 2. Section 235-2.3, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) For all taxable years beginning after December 31,
7 [~~2014~~] 2015, as used in this chapter, except as provided in
8 section 235-2.35, "Internal Revenue Code" means subtitle A,
9 chapter 1, of the federal Internal Revenue Code of 1986, as
10 amended as of December 31, [~~2014~~] 2015, as it applies to the
11 determination of gross income, adjusted gross income, ordinary
12 income and loss, and taxable income, except those provisions of
13 the Internal Revenue Code and federal public laws which,
14 pursuant to this chapter, do not apply or are otherwise limited
15 in application and except for the provisions of Public Law 109-
16 001 which apply to section 170 of the Internal Revenue Code.
17 The provisions of Public Law 109-001 to accelerate the deduction
18 for charitable cash contributions for the relief of victims of

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1 the 2004 Indian Ocean tsunami are applicable for the calendar
2 year that ended December 31, 2004, and the calendar year ending
3 December 31, 2005.

4 Sections 235-2, 235-2.1, and 235-2.2 shall continue to be
5 used to determine:

6 (1) The basis of property, if a taxpayer first determined
7 the basis of property in a taxable year to which these
8 sections apply, and if the determination was made
9 before January 1, 1978; and

10 (2) Gross income, adjusted gross income, ordinary income
11 and loss, and taxable income for a taxable year to
12 which these sections apply where the taxable year
13 begins before January 1, 1978."

14 SECTION 3. Section 236E-3, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§236E-3 Conformance to the Internal Revenue Code; general**
17 **application.** For all decedents dying after [~~January 25, 2012,~~]
18 December 31, 2015, as used in this chapter, "Internal Revenue
19 Code" means subtitle B of the federal Internal Revenue Code of
20 1986, as amended as of December 31, [~~2014,~~] 2015, as it applies
21 to the determination of gross estate, adjusted gross estate,
22 federal taxable estate, and generation-skipping transfers,
23 except those provisions of the Internal Revenue Code and federal

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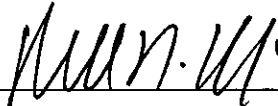
1 public laws that, pursuant to this chapter, do not apply or are
2 otherwise limited in application."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval;
6 provided that:

7 (1) Section 2 shall apply to taxable years beginning after
8 December 31, 2015; and

9 (2) Section 3 shall apply to decedents dying or taxable
10 transfers occurring after December 31, 2015.

INTRODUCED BY: 
BY REQUEST

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Report Title:

Conformity to the Internal Revenue Code for 2015; Income Tax; Estate and Generation-skipping Transfer Tax

Description:

Conforms Hawaii income and estate and generation-skipping transfer tax laws to the Internal Revenue Code of 1986, as amended as of December 31, 2015, and makes technical, nonsubstantive amendments.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Taxation.

TITLE: A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE.

PURPOSE: To amend Hawaii's income and estate and generation-skipping transfer tax laws to conform to changes made to the Internal Revenue Code in calendar year 2015.

MEANS: Amend sections 235-2.3(a) and 236E-3, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Sections 235-2.5(c) and 236E-4(c), HRS, mandate that the Department of Taxation submit to each regular session of the Legislature a bill that amends Hawaii's income and estate and generation-skipping transfer tax laws to conform to changes in the Internal Revenue Code. This bill amends section 235-2.3(a), HRS, by changing the date from 2014 to 2015 to adopt income tax law changes made in the 2015 calendar year. This bill also amends section 236E-3, HRS, by changing the date from 2014 to 2015 to adopt estate and generation-skipping transfer tax law changes made in the 2015 calendar year.

Impact on the public: Conformity through amendments to the operative provisions of the Internal Revenue Code will minimize the burden on taxpayers to comply with the requirements of Hawaii's income and estate and generation-skipping transfer tax laws.

Impact on the department and other agencies: Conforming Hawaii's income and estate and generation-skipping transfer tax laws to that of the Internal Revenue Code will increase consistency between the state and federal jurisdictions.

GENERAL FUND: Pending.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval, income tax changes shall apply to taxable years beginning after December 31, 2015 and estate and generation-skipping transfer tax changes shall apply to decedents dying or taxable transfers occurring after December 31, 2015.